

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9148 OF 2004

Office Notes, Office	Court's or Judge's
Memoranda of Coram,	orders
appearance, Court's	
orders or directions	
and Registrar's orders	

None for the petitioner.

CORAM: B.H. MARLAPALLE, J.

28/06/2007.

P.C.:

. RAD Suit No. 2376 of 1992 was filed by the present petitioner for declaration that he is a tenant of the suit premises admeasuring 11 ft. x 21 ft. situated in Shroff Market, Gokhale Road (South), Dadar, Bombayu 400 025. The said suit came to be dismissed by the Small Causes Court at Bombay on 1st/2nd April 1992. The plaintiff filed Civil Appeal No. 330 of 1997 and it was dismissed on 9/8/2004 by the appellate bench of the Small Causes Court.

. Undoubtedly, the petitioner-plaintiff has a statutory

remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as withdrawn with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle, J.)